

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DIANTI EARLY)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.:
v.)	1:22-CV-00816-SCJ
)	
OFFICER JOHN MAYS,)	
Individually, as an officer of the)	
UNION CITY POLICE DEPARTMENT,)	
)	
Defendant.)	

FOURTH JOINT MOTION TO EXTEND DISCOVERY

COME NOW, Plaintiff and Defendant and jointly move for an extension of the period to complete discovery.

1. This matter was filed on February 25, 2022, and the Defendant filed his answer on April 13, 2022. Discovery was originally set to end on October 14, 2022.
2. Prior to the close of the discovery, the parties exchanged written discovery and served subpoenas on non-parties.
3. On September 28, 2022, the parties filed a joint motion to extend discovery on the basis of conflicts in the attorneys' schedules did not allow time for the parties to complete the anticipated depositions.
4. On or about September 28, 2022, the Court extended discovery to January 13, 2023. During the extended discovery, the parties have served subpoenas

on nonparties and taken the depositions of the Plaintiff, the Defendant, and four City of Union City Police Officers. Defendant has also taken the deposition of two non-party witnesses, Justin Whitehead and Chianti Brown, who have information material to this case.

5. On January 11, 2023, the Court granted the parties joint motion extending discovery for the parties to retain experts on the issue of causation as to the injuries and mechanism of the accident.

6. On February 27, 2023, Plaintiff amended his initial disclosures to include Michael Maceroli, Plaintiff's treating orthopedic surgeon, to testify regarding Plaintiff's medical treatment and causation.

7. On March 23, 2023, Defendant identified Dr. Thomas Hopkins as an expert witness. Dr. Hopkins intends to testify as to his opinion on the cause of Plaintiff's injuries and the way the injury was more likely to have occurred.

8. On March 31, 2023, Defendant filed a motion to extend discovery to allow Plaintiff an opportunity to depose his expert, and find a counter-expert.

9. On April 24, 2023, the Court extended discovery to June 1, 2023. Due to conflicts in the attorneys' schedules and the expert's schedule, Plaintiff deposed Defendant's expert witness on June 1, 2023.

10. Upon evaluating the Defendant's expert's opinions and the testimony provided at the deposition, Plaintiff intends to submit a rebuttal expert. Plaintiff has

shared his intent to obtain a counter expert with counsel for Defendant. Plaintiff plans to formally notice the expert and provide an expert report no later than June 13, 2023.

11. Therefore, the parties respectfully request an extension of discovery until July 13, 2023. The request until July 13, 2023, is to allow time for Plaintiff to notice his counter-expert and for Defendant to depose said expert. The parties request that all other deadlines be adjusted accordingly.

12. This is the parties' fourth request for an extension of discovery.

13. This request is made in good faith and not for purposes of delay.

14. A proposed order is submitted herewith.

Respectfully submitted, this 8th day of June, 2023.

/s/ Matthew H. Bennett

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CERTIFICATE OF COMPLIANCE

The undersigned, in accordance with L.R. 7.1 and 5.1(C) hereby certifies that the type font used herein is 14-Point Times New Roman.

CERTIFICATE OF SERVICE

This is to certify that I have this day filed a copy of the foregoing **FOURTH JOINT MOTION FOR EXTENSION OF DISCOVERY** with the Clerk of Court using the CM/ECF system which will automatically send a service copy via electronic notification upon all counsel of record.

This 8th day of June, 2023.

/s/Tanya F. Miller
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(GA Bar. No. 508434)
Attorney For Plaintiff

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